

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: ~~1-23-73 by plaintiff. n~~

D. C. Form No. 106A Rev.

TITLE OF CASE

ATTORNEYS

HENRY A. RUTTER
c/o Hydro Hoist Company
820 West 10th St.
Claremore, Oklahoma 74017

Plaintiff

vs.

BARNEY V. WILLIAMS
Route 2
Grove, Oklahoma 74344

Defendant

For plaintiff:

William S. Dorman
1401 N.B.T. Bldg.
Tulsa, Okla. 74103
(918) 582-8201

For defendant:

Paul H. Johnson
Head & Johnson
424 Beacon Bldg.
Tulsa, Oklahoma 74103 (584-4187)

Arthur Meyer
413 East Frank Phillips Blvd
Suite 1
Bartlesville, Oklahoma

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 10-1-72	Clerk	9-22-72	Dorman	15.00	
		9-28-72	C.D.No.14		15 00
J.S. 6 mailed 4-1-75	Marshal	5/16/75	Johnson	5.00	
Basis of Action: For Costs & Injunction Pate 1	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-22-72	Complaint filed and Summons issued. v	
9-28-72	Summons, ret. & filed: served Barney V. Williams, Grove, Ok., 9-26-72. (USM \$27.92)g	
10-12-72	ANSWER of deft., filed. r	
11-2-72	Case set for Pre-Trials on Thurs. 11-30-72 at 11:10 A.M. (FD-J)r	
11-24-72	Pltf.'s first interrogatories to def., filed. rm	
11-30-72	Pre-trial hearing held. Attorneys announce case will not be ready for trial until after April 1, 1973, and case is passed for Non-Jury trial. Plaintiff to prepare proper pre-trial order. (FD-J)h	
12-1-72	Objections to Plaintiff's First Interrogatories, filed. v	
12-15-72	PRELIMINARY PRE-TRIAL ORDER, filed. (FD-J)r (Copies mailed to attys)	
1-23-73	Application for extension of time within which to conduct pre-trial and prepare pre-trial order filed by plaintiff. h	
1-23-73	Order filed granting parties to 2-14-73 in which to file pre-trial order. (AEN-J)h	
1-23-73	Demand for jury trial filed by plaintiff. h	
1-29-73	Answers of deft. to pltf's first interrogatories, filed. hm	
3-26-73	Deft's notice of prior art references upon which deft. will rely, filed. g	
5-24-73	Ordered by the Court that this case is set for Non-Jury Trial on June 14, 1973, at 1:00 P.M. (FD-J)v -notices mailed.	
5-31-73	Letter from Paul Johnson dated 5-29-73, requesting that N-J Trial be rescheduled. filed. r	
5-31-73	Copy of letter from J.D. to Mr. Johnson dated 5-30-73, stating that Case will be stricken from N-J Assignment, to be reset by Court, filed. r	
7-25-74	Case set for non-jury trial for 9/10/74 at 9:30 a.m. (FD-J)rm	
7-30-74	Pltf's 2nd Interrogatories to the Deft., filed. jj	
9-9-74	Deft's Trial brief w/ exhibits attached, filed. k	
9-10-74	Non-jury trial held. Parties rep. by counsel of record. Statements made; witnesses sworn & testify; exhibits admitted and closing arguments made. Parties directed to file proposed FF/CL in 30 days with separate briefs, if desired. (FD-J)rm	
9-10-74	Trial exhibits, filed. rm	
10-1-74	Deposition of Barney V. Williams taken on behalf of Pltf., on 2-15-73, before Loyd J. Christesson, CSR, with fees of \$47.00, paid by Pltf., fld. v	
10-4-74	Transcript of trial proceedings held 9/10/74, filed. rm (Tim Holmes-cr)	
10-7-74	MO: Ordered by the Court that parties are granted an ext. of time to 11/4/74 to file suggested FF/CL & briefs. (FD-J)rm - ltr. written	
11-4-74	Brief of def., filed. rm	
11-4-74	Proposed FF of def., filed. rm	

(CONTD.)

Sheet No. 2

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-4-74	Post-trial brief of pltf, filed. rm	
11-4-74	Proposed FF/CL of pltf., filed. rm	
3-3-75	Memorandum opinion, filed and entered, that pltf. is entitled to judg. of the Ct. that patent of pltf. is valid and is infringed by def.; that def. should be permanently enjoined from further infringement of patent in suit; that pltf. is entitled to accting. to determine amt. of damages to be awarded and whether or not a reasonable atty. fee should be awarded pltf. Counsel for pltf. directed to prepare appropriate judg. and order based on this opinion, submit to opposing counsel and then to Ct. for entry. (FD-J)rm	copied md
3-17-75	Motion for Stay of an Injunction filed by the dft. mm	
3-20-75	Judgment and order, filed and entered, per memo opinion of 3/3/75. (FD-J)rm - copies mailed	
3-20-75	Writ of injunction, filed and entered, enjoining def. from infringing on Patent No. Re 27,090 of pltf. (FD-J)rm - copies mailed	
3-20-75	Letter, dated 3/19/75, filed, from FD to pltf. directing him to respond to mo/stay injunction of def. within 10 days; brief in support not necessary. (FD-J)rm	
3-21-75	Plfs. Response to Motion for Stay of Injunction, filed. mm	
3-28-75	Deft's motion for new trial under rule 59, filed.k	
3-28-75	Brief in support of deft's mot. for new trial under rule 59, filed.k	
4-3-75	Letter from FD to pltf. counsel, 4/2/75, granting pltf. to 4/17/75 to respond to mo/new trial of def., w/brief. (FD-J)rm	
4-16-75	Response of pltf. to def. mo/new trial, filed. rm	
4-16-75	Brief of pltf. in support of response to def. mo/new trial, filed. rm	
5-7-75	Order, filed and entered, denying def. mo/stay injunction. (FD-J)rm-copies	
5-7-75	Order, filed and entered, denying def. mo/new trial. (FD-J)rm-copies md	
5-15-75	Notice of appeal by def. from judg. of 3/20/75, filed. rm (copies to counsel and USCA)	
5-15-75	Motion of def. for reconsideration of stay of injunction, filed. rm	
5-15-75	Brief of def. in support of mo/reconsider, filed. rm	
5-19-75	Cost bond on appeal (\$250 cash), filed. rm	
5-21-75	Letter from Judge Daugherty stating the Deft. has filed a Motion for Reconsideration of Stay of Injunction. Said Motion is supported by a Brief. It is desired that the Plf respond to said Motion within 10 days and if opposed said Motion isto be accompanied by a brief, filed. (FD-J) mm	
5-27-75	Response of pltf. to def. mo/reconsider, filed. rm	
5-27-75	Stipulation of parties that inj. be stayed pending appeal provided def. posts a bond in amt. of \$25,000, filed. rm	

DATE	PROCEEDINGS	Date Order or Judgment Note
5-29-75	Order, filed, that injunction entered on 3/20/75 be stayed pending appeal; that def. post bond in amt. of \$25,000 to cover past damages sustained by pltf. and future damages pending appeal; further that this stay will terminate if appeal is dismissed or if judg. and order of 3/20/75 is affirmed on appeal. (FD-J)rm - copies mailed	
6-6-75	Letter, filed, dated 6/6/75 by def., re designation of record. rm	
6-10-75	Supersedeas bond, in amt. of \$25,000 cash, filed, and approved by Court. (FD-J)rm	
6-11-75	Motion of def. for authorization to Clerk to invest supersedeas bond in a certificate of deposit, filed. rm (o)	
6-12-75	Appeal record (5 vols.) transmitted to USCA. rm	
6-13-75	Letter, filed, from FD to pltf. counsel granting them 5 days to respond to mo/invest supersedeas bond. rm	
6-16-75	Plaintiff's response re investment of cash bond, filed. g	
6-20-75	MO: It is ordered by the Court that pltf. having no objections to the investment of the \$25,000 cash supersedeas bond in Certificate of Deposit, w/interest to accrue to def., that Jack C. Silver, Clerk of the Ct. for N.D., is hereby directed to purchase \$25,000 CD from The F&M Bank & Trust Company, at Tulsa, Oklahoma, (FD-J)rm - letter written	6-20-75 RW
9-22-76	Appl. of def. for refund of cash bond and accrued interest, filed.rm	
9-24	Response to appl. for refund of cash bond, fld. by Pltf. v	
10-20-76	Mandate and opinion of USCA, filed and spread of record, that judg. is reversed and cause remanded with direction to enter judgment for the def. rm	
10-20	Statement of costs from 10th Circuit, filed and taxed, in favor of appellant-Williams and against pltf. Rutter, in amt. of \$210.80. (JCS-Clk)rm	
10-20	Bill of costs of def., in amt. of \$335.75, filed. Cost hearing set for Wed., 10/27/76 at 10 a.m.(JCS-Clk)rm	
10-27	Costs taxed by Clerk in amt. of \$124.95 in favor of def. and against plaintiff.(JCS-Clk)rm	
11-5-76	Letter from FD to pltf. counsel directing him to advise whether he had any obj. to return of \$25,000 to def.,filed.rm (supersedeas bond)	
12-7	Order for refund of/cash bond, filed, directing Clerk to refund to the deft. Barney V. Williams, the full amt. of the cash bond posted with the Clerk plus accrued interest. (FD-J)hm (copies mailed)	
12-17	Original record on appeal (5 volumes) received from USCA. rm	
12-28	Order for refund of \$250 cash appeal bond to Marney V. Williams, filed. (FD-J)rm	

PLAINTIFF	DEFENDANT	DOCKET NO. <u>72-C-347</u>
RUTTER	WILLIAMS	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
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5-2-77

Judgment and order, filed and entered, that pltf. is owner of Patent No. 27,090; that claims 1 and 2 of Patent 27,090 are invalid; that costs are taxed to pltf., which costs have been satisfied. (FD-J)rm
copies mailed

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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PAGE _____ OF _____ PAGES

PROCEEDINGS